

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANIEL S. AMADOR, II,

Petitioner,

v.

LISA ANDERSON,

Respondent.

CASE NO. 2:24-cv-00737-BHS-BAT

**ORDER DENYING MOTION FOR  
COUNSEL, DKT. 7, AND STRIKING  
MOTION TO PROCEED IFP**

In May 2024, Petitioner filed a petition for writ of habeas corpus and submitted the \$5.00 filing fee. On June 21, 2024, Petitioner filed a motion for appointment of counsel and a motion for leave to proceed *in forma pauperis*. Dkts. 7 and 8.

There is no right to have counsel appointed in cases brought under 28 U.S.C. §2254, unless an evidentiary hearing is required, or such appointment is “necessary for the effective utilization of discovery procedures.” See *McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *United States v. Duarte-Higareda*, 68 F.3d 369, 370 (9th Cir. 1995); *United States v. Angelone*, 894 F.2d 1129, 1130 (9th Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983); Rules Governing Section 2254 Cases in the United States District Courts 6(a) and 8(c). The Court also may appoint counsel “at any stage of the case if the interest of justice so require.” *Weygandt*, 718 F.2d at 954. In deciding whether to appoint counsel, the Court “must evaluate the likelihood

1 of success on the merits as well as the ability of the petitioner to articulate his claims pro se in  
2 light of the complexity of the legal issues involved.” *Id.*

3 Plaintiff’s habeas petition establishes he able to articulate his claims pro se. It is too early  
4 to determine if discovery should be conducted. In addition, the Court has not determined an  
5 evidentiary hearing will be required in this case, or if it is even available. *See* Rule Governing  
6 Section 2254 Cases in the United States District Courts 8(c). The Court thus finds Petitioner has  
7 not shown “the interests of Justice” require appointment of counsel.

8 The Court also finds Petitioner’s motion to proceed *in forma pauperis* is moot because  
9 the Courts’ records indicate the filing fee was paid on May 29, 2024.

10 Accordingly, it is **ORDERED**:

- 11 1. The motion for appointment of counsel, Dkt. 7, is DENIED.  
12 2. The motion to proceed IFP, Dkt. 8, is STRICKEN as moot.

13 DATED this 25<sup>th</sup> day of June, 2024.  
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17 BRIAN A. TSUCHIDA  
18 United States Magistrate Judge  
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